Britain's New Atomic Energy Act Takes Public Power for Granted, Page Four

I. F. Stone's Weekly

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Farewell to the 5th Amendment?

The Senate, which likes to call itself the world's greatest deliberative assembly, never acted more ignominiously the rubber stamp than last Wednesday morning. Without debate, without a record vote, with only one objection—and that an extraordinarily weak one—it voted to end a privilege 300 years old. On motion of McCarran (*D., Nev.*), by voice vote, it approved S 16 as amended by the House, a bill to compel witnesses to testify against themselves on promise of immunity. The nature of the one objection illuminated the quality of the vote. Senator Lehman (*D., N.Y.*) rose to say that he was not objecting to the bill itself, but that sufficient time had not been allowed to study the House version.

Last year when the original McCarran immunity bill passed the Senate (see the *Weekly* for July 18, 1953, "Last Refuge of Dissenters in Danger"), it was also on a voice vote but Lehman and nine other Senators asked to be recorded against the bill. They included one Republican, Cooper (*Ky.*) and eight Democrats, Stennis (*Miss.*), McClellan (*Ark.*), Magnuson and Jackson (*Wash.*), Kerr (*Okla.*), Hennings (*Mo.*), Murray (*Mont.*) and Hayden (*Ariz.*). Last week the other nine sat silent as a fundamental Anglo-American right which goes back to the Cromwellian Revolution went down the drain. Senators, like Flanders, who wax eloquent on the menace of McCarthyism, failed to see why it made the Fifth amendment privilege all the more important. The independent, Morse, who was so concerned a week before about due process for McCarthy, was less of a legal purist about his victims; last year he facilitated the passage of S 16, this year he voiced no objection to the House substitute.

The House Did Better

The House, which is no great deliberative assembly, and often sounds more like the assembly line in a packing plant, shone by comparison. There last week, though the Democratic leadership voted for the immunity bill, 51 Democratic rebels, 3 Republicans and the House's lone Independent voted against it under the leadership of Celler (*D., N.Y.*), the chamber's one consistent civil libertarian. Less striking but important was the subtle job done on the original McCarran bill by House conservatives under the leadership of Walter (*D., Pa.*). The bill as passed was quite different from that sponsored by McCarran or asked by Attorney General Brownell. The former wanted Congressional committees, the latter the Attorney General, to have unrestricted power to compel testimony. The bill as passed sets up a procedure so cumbersome that there is gossip in the cloakrooms that it will never be used. This is too optimistic. In the case of witnesses before Congressional committees, the bill provides (1) for a two-third vote of the committee, (2) the serving of notification on the Attorney General and (3) the securing of an order from a District Court. This procedure obviously does not suit the purposes of headline-hunting investigators, but punishment for contempt is also slow—that does not deter them from using it. The chances that this will be declared unconstitutional are unfortunately slim; not only the atmosphere of the times but past precedents upholding more limited immunity powers are against it. But a witness under this procedure may argue and appeal other issues of relevance, materiality, and the authority of the committee more effectively than on appeal from a contempt conviction. And if he loses, he can always refuse to answer and commit contempt.

We are slipping back to the days before the privilege was won when those who resisted Elizabeth's High Commission, Britain's own Inquisition, had no alternative but jail or flight when put under oath and questioned about the heretical views of themselves and their families. This is where, when and why the Pilgrim Fathers began to leave for Holland and later for America. They did not choose to be informers. The right the Congress has voted to withdraw was the right John Lilburne went to jail to establish. It will have to be re-established in the same manner by the heretics and freedom lovers of this generation.

Two Who Would Not Tell

There was thus an almost symbolic propriety in the fact that the same day, on the unanimous consent calendar, this same Senate without objection passed two McCarthy resolutions of contempt against two Harvard faculty members, Wendell H. Furry and Leon J. Kamin. Both, declining to plead the Fifth before McCarthy, had admitted past Communist membership but declined on moral grounds to name others. Furry himself had been named before the House Un-American Activities Committee by Robert Gorham Davis of Smith College and by Granville Hicks. Unlike them, he did not choose safety for himself at the expense of others. Furry said that if called before a grand jury which was investigating "actual crime, not just political crime or crime of opinion" he would tell everything he knew. "I will not give them," he told McCarthy when asked for names, "when it involves political persecution only." Kamin said, "My conscience won't let me traffic in the names of former political associates whom I have no reason to believe were guilty of criminal activities."

This is Lilburne's challenge repeated three centuries later, and now again the challenge is not to the judges or the law but to the juries and to the political arena. The fight for the privilege not to be a political informer is with this new legislation back on the bedrock of individual conscience. Furry and Kamin deserve emulation and support.

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From the Hectic Last Hours of An Overheated Congress

The House of Representatives honored itself last Tuesday in honoring the memory of Vito Marcantonio. Mr. Celler spoke eloquently in his praise when the House met, and he was followed by three other members of the Democratic delegation from New York City, Multer, Klein and Keogh. Three other Democrats joined them: McCarthy (the other one) of Minnesota, Eberharter of Pennsylvania and Blatnik of Minnesota. The biggest surprise of all was that Clare Hoffman of Michigan, a Republican of the far right, asked permission for an extension of remarks in tribute to Marcantonio. No man ever fought with greater ability and devotion for the people he represented and the ideas in which he believed. He deserved the tribute paid him, but it was nonetheless an unexpected demonstration of courage and magnanimity in these difficult times.

Will McCarthy get it this time? One source, in close touch with the Senate, thinks he will. This is the situation as he sizes it up: The men who really run the Senate, the inner core of conservatives, are fed up with McCarthy. The Senate is a select body, with no strict party discipline, which depends on mutual confidence and a high level of courtesy. It is too small for boors. Much of its discussion is private, and much of the inner life of the Senate must freeze up if Senators can no longer trust each other. McCarthy and his handful of followers have begun to apply to fellow Senators the same kind of espionage and blackmail they use in dealing with other departments of the government. When he spoke of Flanders as "senile," he offended important Senators, many of them in their 70's or more. When he called Fulbright "half-bright," he was exercising a gutter wit that made McCarthy's colleagues wince. The new committee to consider the charges against him is backbone America—Protestant, small town, Middle West and South. They will treat McCarthy fairly but they will censure him in the end, with not more than one or perhaps two dissenting votes.

I myself am doubtful. The Senator chosen chairman, Watkins (*R., Utah*) seems the weakest of the lot. His announcement that the hearings will be conducted as a judicial inquiry is disturbing. McCarthy will be there with defense counsel and the right of cross-examination, but who would be the prosecutor to present the charges? And how speak of "charges" when the question is whether McCarthy has engaged in conduct unbecoming a Senator? I fear that McCarthy will prove too wily for this committee and bog it down as he has others in the past. Does this mean a victory for McCarthy? Not at all. This succession of hearings keeps him on the defensive, whittles him down, erodes his reputation. People begin to conclude that anyone who is constantly being investigated must somehow be of doubtful reputation. Our Fifth Amendment Senator is slowly to suffer from that where-there's-smoke-there's-fire axiom he applies to others. This new inquiry may not be conclusive, but it will give Low Blow Joe another push downhill.

In foreign policy, the President's pronouncements are hopeful. His remarks at press conference last week on the impossibility of preventive war imply some kind of co-existence; his remarks the week before approving the American Assembly statement on the danger of too rigid an attitude toward Red China were equally encouraging, as was his talk on the need for thinking in terms of partnership rather than leadership. But in domestic policy, under the influence of Brownell, the White House has thrown its weight into the scales on the side of the witch hunt. Last Monday the majority leader, Knowland, spoke as if the Brownell "security package" bills were of secondary importance. His attitude changed on Tuesday after the legislative conference at the White House and on Wednesday he was putting on the heat for S 3607, the Butler-Velde bill (*See box below*); HR 9580, the espionage and sabotage death penalty bill, and S 3428, the bill to set up a blacklist in industry.

A group of ten Democrats and one Independent Senator (Magnuson, Hennings, Green, Mansfield, Murray, Gore, Morse, Lehman, Kilgore, Jackson and Gillette) introduced a resolution on August 6 for a Presidential commission of inquiry on security like that introduced by Walter (*D., Pa.*) in the House. The purpose in both cases was to put off the Butler bill and similar legislation until a full study could be made. The plan was to move the Magnuson resolution up as a substitute for the Butler bill in the Senate, and Walter was fighting hard to stop the companion Velde bill in the House. The Administration, however, is intent on having itself a sensational Red hunt before the elections and needs more legislative short-cuts to conviction. The U.S. Chamber of Commerce is desperately anxious to get the Butler bill passed this year. The next few days will tell.

New Bit of A-Bomb History

"When the late President Roosevelt and our Prime Minister met in Quebec during the war, President Roosevelt, so I am given to understand, suggested that our Russian allies should be informed of the new weapon which was then contemplated and on which work had already started. It was our own Prime Minister who argued against the disclosure. Subsequently the two sat at the same table with Mr. Stalin. Not a word was said about the work then being done on the weapon.

"I have often wondered what Mr. Stalin must have thought as he looked upon the representatives of the two allied nations, for even at that date he knew the nature of the work which was going on because, as we now know, Fuchs had told him. It seems to me that much of the fear between East and West originated from that policy of mutual deception."

—Beswick (Lab.) during debate in the Commons on the British Atomic Energy Act, 280 Hansard 939.

An Un-American Activities Committee Minority

Protests the Butler-Velde Bill to Put Unions Under SACB

From the minority report (HR Rept. 2651 pt. 2) filed by Walter (R., Pa.) *and two other Democratic members of the House Un-American Activities Committee, Doyle* (Cal.) *and Frazier* (Tenn.), *objecting to the Butler-Velde bill (HR 9838) which would force "Communist infiltrated" trade unions to register with the Subversive Activities Control Board:*

"It is difficult to avoid the conclusion that this bill is a step toward Government licensing of trade unions. Such a step should be taken only after the most careful consideration and the clearest demonstration of its necessity. Once the power of life and death over unions is vested in a Federal agency, there is always the danger that it may be misused. The danger, too, cannot be overlooked that the bare existence of such a power in the Federal government will intimidate unions, and tend to make them subservient to the political ends of whatever administration may be in power."

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Herbert Hoover, The Uncommon Man and I. G. Farben

The dearest wish of the right is to destroy FDR and build up Herbert Hoover in the minds and hearts of the American people. The hoopla which attended Hoover's 80th birthday was part of an unending campaign. We do not begrudge an ex-President his birthday honors. Indeed as a Rooseveltian, we are grateful to him for the ample self-exposure of his birthday speech. Mr. Hoover has changed not at all, but the country has. His party could not elect a dog-catcher were it to follow the implications and echo the tone of his Iowa address.

The implications point toward a repeal of all that the New Deal and the Fair Deal did, including farm price supports, social security and collective bargaining. The tone is one of contempt for the herd. Mr. Hoover sees the "fuzzy-minded" concept of the Common Man as "another cousin of the Soviet proletariat", as it is—for communism, social democracy and the welfare state spring alike from the determination of the many to free themselves from unbridled exploitation by a powerful big propertied few. The "Uncommon Man" Mr. Hoover invoked is on the other hand too uncomfortably cousin to that Nietzschean Superman who inspired such recent technological advances as human crematoria. It is in keeping with the pattern of his thinking and the unregenerate arrogance of his spirit that Mr. Hoover should have reasserted his attitude toward World War II. He still believes we should have stood aside from the conflict, at the risk of letting that Uncommon Man with the toothbrush moustache have his way with the world.

Our Pal, I. G. Farben

Speaking of crematoria, there are some interesting provisions in S 3423, the bill by Dirksen, Jenner, Butler and Langer to return German and Japanese properties seized during the war. A talking point of its advocates is that it forbids restoration of property to war criminals but the bill contains two jokers in this regard. The first is that it is careful to set up this bar only against "natural" persons, so that I. G. Farben (which made so many interesting commercial experiments in the camp, discovering new sources of soap) would be eligible to recover the biggest plum of all, its American subsidiary, General Aniline & Film.

The second is that in committee someone took out the phrase "by Allied Occupation Tribunals or by German denazification courts" after the words "any natural person convicted of war crimes," and added instead "as hereinafter defined." The definition provided later in the bill would give a Vested Property Commission power to decide whether such convictions had been by "a court of competent jurisdiction." This loophole, well greased, might prove big enough for many war criminals.

Mr. Dulles Is "Confused"

We applaud the President for turning thumbs down on this pending legislation and note with pleasure the confusion to which his Secretary of State thereupon confessed at press conference last week. Mr. Dulles, on most occasions an endless fountain of moralisms and legalisms, in this case advised the Senate Judiciary Committee that it ought to ignore the Paris Reparations Agreement of 1946 and the War Claims Act of 1948 and pass the Dirksen bill. The former embodied an agreement with our West European allies to retain vested German properties as compensation for unrecovered loot taken by the Germans. In the latter Congress forbade the return of these properties and provided that proceeds from their sale should go to reimburse American victims of German and Japanese prison camp hostility.

We recognize the idyllic vanished loveliness of the Nineteenth century international law which reflected a world which knew not total war and provided for the return of enemy property after a conflict was over. But we see no reason to reward a giant German trust like I. G. Farben which played so important a part in the rise of Hitler and in the efficacy of war plans designed to destroy that world forever. General Aniline & Film was worth $30,000,000 when the war began. Fattened by war profits on this side, it is worth $100,000,000 today. Why should Hitler's biggest industrial collaborator be allowed this windfall?

There is another consideration, brought to mind by an unctuous reference in Chanceller Adenauer's letter to the President to reviving those "business connections" which formed "the traditional bridge of friendship" between the U.S. and Germany. Has everybody so soon forgotten what the Truman committee hearings and the Thurman Arnold testimony in 1941 showed? GAF was a principal instrument of German economic warfare, a means of stifling American development of the synthetic rubber (and other products) we needed so badly when Malaya and the Indies were cut off by the Japs.

The 55 Congressmen Who Voted Against the Immunity Bill

Fifty-five Congressmen led by Celler (D., N.Y.) last week voted against the immunity bill in the House, the largest vote yet cast against any witch-hunt measure in this Congress. We give their names, party affiliations and States below, and are asking readers to check the list. If your Congressman is one of the brave 55 will you give him a gift subscription to the *Weekly* and let us send it to him with a letter from you expressing your appreciation for his vote?

It will make a lot of difference in reaching these Congressmen—all of whom ought to see the *Weekly* regularly—if they get it as a gift from someone in their own district, especially with a note of appreciation for their vote in defense of the Fifth amendment. Check the list and act now. If there are duplications, the money will be returned but the letters will be sent on to the Congressmen.

The next two weeks are vacation. The *Weekly* is published only 50 weeks a year, all but the last two weeks in August. We hope to find letters and subs for all 55 on our return and will report the results in September. We go off on vacation confident in the *Weekly's* next year of publication. We thank our readers for having made this possible.

—I. F. Stone.

Aspinall, D., Colo.	Dawson, D., Ill.	Hays, D., Ark.	Keogh, D., N. Y.	Metcalf, D., Minn.	Rhodes, D., Pa.
Barrett, D., Pa.	Dodd, D., Conn.	Holifield, D., Cal.	Kirwan, D., Ohio	Miller, D., Kans.	Rogers, D., Colo.
Blatnik, D., Minn.	Dollinger, D., N. Y.	Howell, D., N. J.	Klein, D., N. Y.	Multer, D., N. Y.	Shelley, D., Cal.
Bowler, D., Ill.	Eberharter, D., Pa.	Javits, R., N. Y.	Klucynski, D., Ill.	O'Brien, D., Ill.	Sieminski, D., N. J.
Buchanan, D., Pa.	Fine, D., N. Y.	Jones, D., Ala.	McCarthy, D., Minn.	O'Hara, D., Ill.	Smith, D., Miss.
Burdick, R., N. D.	Gordon, D., Ill.	Karsten, D., Mo.	Mack, D., Ill.	Patten, D., Ariz.	Sullivan, D., Mo.
Byrne, D., Pa.	Granahan, D., Pa.	Kean, R., N. J.	Madden, D., Ind.	Philbin, D., Mass.	Whitten, D., Miss.
Celler, D., N. Y.	Green, D., Pa.	Kelley, D., Pa.	Magnuson, D., Wash.	Price, D., Ill.	Wier, D., Minn.
Chudoff, D., Pa.	Hart, D., N. J.	Kelly, D., N. Y.	Marshall, D., Minn.	Reams, Ind., Ohio	Williams, D., Miss.
Condon, D., Cal.					

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Britain's Tory Government Takes Public Power for Granted

No "Give-Away" in England's New Atomic Energy Act

The American press has almost completely disregarded the new British atomic energy act. It went into effect August 1 while our "give-away" bill was being pushed through Congress. The British legislation, designed like our own to speed peacetime development of the atom, had been under debate in the Commons since last December, but few if any American correspondents touched on it in their dispatches. The British bill was just a little too—shall we say?—"un-American."

What the British did *not* do may be gathered from the wistful remarks of one Conservative M.P., Charles Ian Orr-Ewing, who quoted from Gordon Dean's "Report on the Atom" during debate in the Commons. Orr-Ewing read that passage in which Dean explained that the American Atomic Energy Commission had set up "a system under which virtually all of the scientific and industrial work was performed by private contractors."

Orr-Ewing said he was "disappointed" in the government's bill. "I would have preferred," he declared, "that the Atomic Energy Authority should supervise but leave all these things to industry." Instead, though framed by a Conservative government and voted by a Conservative majority, the new act gives the Atomic Energy Authority full power "to produce, use and *dispose of* atomic energy" and "to manufacture or otherwise produce, buy or otherwise acquire . . . any article . . . required for use in connection with the production or use of atomic energy . . ."

How Atomic Electricity Will Be Handled

Sir David Eccles, Minister of Works, explained on behalf of the government that while the new Authority would design and build prototype plants for atomic power, "It will not compete with the electricity authorities in the supply of electricity to the public." The British Electricity Authority will take over the power, but the B.E.A. is a government monopoly controlling all supply of electricity to the public in England and Wales. That kind of "socialism" Britain's Tories take for granted.

The new British act is indeed designed to draw the universities and private industry into wider collaboration in the application of atomic energy to civilian purposes. One speaker pictured "British engineers and British firms . . . going about the world in the next few years installing atomic energy plants." A flexible partnership between government and industry is envisaged but not (as in the U.S. bill) on the basis of tying the government's hands, and offering favored concerns a preferred position at the public expense.

Britain sees swift development of atomic energy as essential if she is to compete successfully in world markets. Dwindling coal supplies and inadequate hydro-electric possibilities haunt her future. There must be an increased use of power in industry, and the atom must supply it.

Where Laborites and Tories Agreed

The Conservatives as a whole were as ready as the Laborites to accept a framework of public ownership, control and direction; the Laborites were as ready as the Tories to recognize the need for utilizing the energies of private industry in this historic task.

The differences between the two parties were not over these issues. The Laborite spokesman, George Strauss, objected to the establishment of a new Authority for peacetime uses; thought the task were better left with the capacious Ministry of Supply, which has hitherto handled it; disliked the "divided ministerial responsibility" he saw in the bill and predicted wasteful duplication in separating civil from military development. In transatlantic perspective, the disagreements seem minor.

On one issue, Labor scored a victory. Over here, Congressmen Holifield and Price [see the *Weekly* for August 2, "What The Atomic Filibuster Was All About"] fought in joint committee and on the floor of the House for establishment of a labor-management committee to ease the chronic and growing headache of atomic labor problems. They were defeated.

But over there the House of Commons accepted a Laborite amendment providing that at least one member of the Authority's directing board should be a person who had "wide experience of, and shown capacity in, the organization of workers." In this, too, Britain's Tories showed our own a "bad" example.

We Sign Off For Two Weeks' Vacation—Next Issue Will Be September 6

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